

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE: **Javier Holguin**Case No. **14-30296**

Debtor(s)

Chapter 13 Proceeding

☒ **AMENDED** ☐ **MODIFIED**

DEBTOR(S)' CHAPTER 13 PLAN

AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE

Creditors are hereby notified that the following Plan may be amended at any time before confirmation. Any amendment may affect your status as a creditor. The Debtor's estimate of how much the Plan will pay, projected payments, and estimates of the allowed claims may also change. The following information advises creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the Office of the United States Bankruptcy Clerk in El Paso or Waco, Texas. Local Bankruptcy Rules and Standing Orders on procedures are available at the Clerk's Office and online at www.txwb.uscourts.gov.

Use of the singular word "Debtor" in this Plan includes the plural where appropriate.

Plan Summary

- A. The Debtor's Plan Payment will be \$286.00 Monthly, paid by ☒ Pay Order or ☐ Direct Pay for 60 months. The gross amount to be paid into the plan is \$17,160.00.
- B. The Plan proposes to pay all allowed priority claims in full, all secured claims to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI below, and approximately 5% of each unsecured allowed claim.

THIS PLAN DOES NOT ALLOW CLAIMS. YOU MUST FILE A PROOF OF CLAIM BY THE APPLICABLE DEADLINE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN THAT MAY BE CONFIRMED. CREDITORS ARE REFERRED TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, THE LOCAL BANKRUPTCY RULES FOR THE WESTERN DISTRICT OF TEXAS, AND THE APPLICABLE STANDING ORDER RELATING TO CHAPTER 13 CASE ADMINISTRATION FOR THIS DIVISION, FOR INFORMATION ON THESE AND OTHER DEADLINES.

- C. The value of the Debtor's non-exempt assets is \$0.00.
- D. If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in Section VI(1), set forth below.

Plan Provisions

I. Vesting of Estate Property

- ☐ Upon confirmation of the Plan, all property of the estate shall vest in the Debtor and shall not remain as property of the estate.
- ☒ Upon confirmation of the Plan, all property of the estate shall not vest in the Debtor, but shall remain as property of the estate.
- ☐ Other (describe):

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Continuation Sheet # 1

II. Pre-Confirmation Disbursements

In accordance with the applicable Standing Order Relating to Chapter 13 Case Administration, the Debtor requests and consents to disbursement by the Chapter 13 Trustee of payments prior to confirmation of the Plan to evidence the Debtor's good faith, promote successful completion of the case, and to provide adequate protection to secured creditors. The Debtor shall remit such payments to the Trustee commencing 15 days after the filing of the petition. Provided all conditions for disbursement are met and unless otherwise ordered by the Court, the Trustee shall begin disbursing to creditors as provided below, on the first regularly scheduled disbursement after 30 days after the the petition is filed. Payments under this paragraph will cease upon confirmation of the Plan.

Creditor/Collateral	Pre-Confirmation Payment Amount	Other Treatment Remarks
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III. Executory Contracts/Unexpired Leases/Contracts for Deed

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to assume the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to reject the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

IV. Motion to Value Collateral Pursuant to 11 U.S.C. § 506

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI(2), hereof, plus interest thereon at the rate specified in this Plan. Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section VI(2)(F).

The Debtor(s) move(s) to value the collateral described below in the amounts indicated. The values as stated below represent the replacement values of the assets held for collateral, as required under Section 506(a)(2). Objections to valuation of collateral proposed by this Motion and Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely response or objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan.

Creditor / Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
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Continuation Sheet # 2

"I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on _____."

Debtor

Joint Debtor

V. Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)

The Bankruptcy Code allows certain liens to be avoided. If a lien is avoided, the claim will not be treated as a secured claim but as an unsecured claim under Section VI(2)(F).

The Debtor moves to avoid the following liens that impair exemptions. Objections to lien avoidance as proposed in this Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan. (Debtor must list the specific exempt property that the lien impairs and the basis of the lien--e.g., judicial lien, nonpurchase-money security interest, etc.)

Creditor / Property subject to lien	Amount of Lien to be Avoided	Remarks
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VI. Specific Treatment for Payment of Allowed Claims

1. PAYMENTS TO BE MADE BY THE DEBTOR DIRECTLY TO CREDITORS, INCLUDING POST-PETITION DOMESTIC SUPPORT OBLIGATIONS

A. Debtor(s) shall pay the following creditors directly. Creditors with claims based on a post-petition domestic support obligation ("DSO"), including all governmental units to which a DSO claim has been assigned, or is owed, or that may otherwise recover a DSO claim, **MUST** be paid directly. Minors should be identified by their initials only. If no DSO creditor is listed, the Debtor represents he/she has no domestic support obligation.

All direct payments listed below shall be made in addition to the Plan payments made by Debtor to the Chapter 13 Trustee as herein set forth. Secured creditors who are paid directly shall retain their liens, and the Debtor(s) shall maintain insurance on the collateral, in accordance with the terms of the documents creating the lien on the collateral.

Creditor / Collateral, if any (including the name of each DSO creditor)	Remarks	Debt Amount	Payment Amount/Interval
Bank Of America, N.a. Homestead-3304 Rutherglen Street		\$127,582.81	\$943.00
Bank Of America, N.a. Homestead-3304 Rutherglen Street	pending loan modification	\$7,478.65	
El Paso Tax Assessor-Collector Homestead-3304 Rutherglen Street	Through 2014	\$2,264.40	

B. Debtor surrenders the following collateral. Confirmation of the Plan shall operate to lift the automatic stay provided by 11 U.S.C. § 362(a) with respect to the collateral listed, and any unsecured deficiency claim may be filed in accordance with the procedures set forth in the Standing Order Relating to Chapter 13 Case Administration for this Division.

Creditor/Collateral	Collateral to Be Surrendered
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Continuation Sheet # 3

United Consumer Financial Services

Dog is now deceased

2. PAYMENTS TO BE MADE BY TRUSTEE TO CREDITORS

A. Administrative Expenses

Administrative Expenses shall include the Trustee's commission and debtor's attorney's fees. The Trustee shall receive up to 10% of all sums received. No fees or expenses of counsel for the debtor(s) may be paid until the filing fee is paid in full, and any fees and expenses that are allowed in addition to the fees and expenses originally agreed to be paid, may be paid only after all prior allowed fees and expenses have been paid.

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
Watson Law Firm, P.C.	\$3,200.00	Along With	
Western District of Texas Bankr Court	\$140.50	Along With	

B. Priority Claims, Including Domestic Support Obligation Arrearage Claims

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
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C. Arrearage Claims

Creditor / Collateral	Estimated Claim	Estimated Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
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D. Cure Claims on Assumed Contracts, Leases, and Contracts for Deed

Creditor/Subject Property, if any	Estimated Amount of Cure Claim	Monthly Payment or Method of Disbursement	Remarks
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E. Secured Creditors

Secured creditors shall retain their liens on the collateral that is security for their claims until the earlier of the date the underlying debt, as determined under non-bankruptcy law, has been paid in full, or the date of discharge under 11 U.S.C. § 1328. Therefore, if the debtor's case is dismissed or converted without completing of all Plan payments, the liens shall be retained by the creditors to the extent recognized by applicable non-bankruptcy law.

Creditor/Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks (specifically note if claim amount to be paid although greater than value of collateral)
Conn's Furniture (bedroom set & TV)	\$3,168.96	\$1,200.00	Pro-Rata	5.25%	\$3,468.54	Pay claim amount
EZ Money Loan Services/EZCORP 2000 BMW 320i	\$1,769.38	\$3,500.00	Pro-Rata	5.25%	\$1,936.65	

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Continuation Sheet # 4

Intergrity TX Funding 2007 GMC Acadia	\$1,556.48	\$1,700.00	Pro-Rata	5.25%	\$1,703.60
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F. General Unsecured Creditors (including claims from rejection of contracts, leases and contracts for deed).
Describe treatment for the class of general unsecured creditors.

General Unsecured Creditors will receive approximately 5% of their allowed claims.

Creditor	Estimated Debt	Remarks
Absolute Collection Service	\$381.00	
American Express/Becket & Lee LLP	\$1,304.54	
American Express/Becket & Lee LLP	\$490.70	
American Infosource for Tmobile	\$586.89	
AT&T Mobility	\$1,021.04	
Barclays Bank Delaware	\$0.00	
Bennett Law	\$1,700.00	
Capital One, N.a.	\$535.00	
Cash Central	\$511.09	
Cash Store	\$1,400.00	
Cash Store	\$100.00	
Cashcall Inc	\$2,598.00	
Chase	\$0.00	
Chevron / Texaco Citibank	\$0.00	
Citibank	\$0.00	
Del Sol Medical Center	\$1,500.00	
eCast Settlement Corp	\$1,355.15	
El Paso Primary Healthcare Physicians	\$663.00	
Financial Corporation of America	\$1,700.00	
Fireside Bank	\$0.00	
First Light Federal Credit Union	\$44.74	
Fst Premier	\$0.00	
G M A C/Ally	\$0.00	
Gecrb/walmart	\$748.00	
Gemb/JC Penny	\$502.00	
Hilco Receivables/Equable Ascent Financi	\$1,116.00	
Hsbc Bank	\$877.00	
Jefferson Capital Systems LLC	\$510.00	
Jefferson Capital Systems LLC	\$510.00	
Kohls/capone	\$0.00	
Lowes / MBGA / GEMB	\$591.00	
Lvg Spc Furn	\$0.00	
Metabnk/fhut	\$332.00	
Net Pay Advance	\$400.00	

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Continuation Sheet # 5

One Click Cash	\$1.00
Payday One	\$400.00
Plain Green Loans	\$400.00
Power Finance	\$300.00
Quantum3 Group/Target	\$618.19
Speedy Cash SCIL Texas Inc	\$600.00
University Of Phoenix	\$0.00
Us Dept Of Education	\$44,775.00
Us Dept Of Education	\$33,642.00
Wells Fargo Bank	\$3,490.76
Western Shamrock Corporation	\$406.00
World Finance Co	\$1,160.00

Totals:

Administrative Claims	<u>\$3,340.50</u>
Priority Claims	<u>\$0.00</u>
Arrearage Claims	<u>\$0.00</u>
Cure Claims	<u>\$0.00</u>
Secured Claims	<u>\$6,494.82</u>
Unsecured Claims	<u>\$107,270.10</u>

VII. Supplemental Plan Provisions

The following are the Supplemental Plan Provisions:

Agreed Orders

Agreed Orders shall control in any conflict between Plan provisions and the provisions in the Agreed Orders.

Disposable Earnings

Pursuant to 11 U.S.C. § 1322(a)(1) of the Bankruptcy Code, the Debtor(s) shall submit all or such portion of future earnings or other future income of the debtor to the supervision and control of the trustee as is necessary for the execution of the plan. The Debtor(s) agree to report to the Trustee any changes in income that would necessitate modifying their plan by either increasing or decreasing their plan payment or increasing or decreasing payout to unsecured creditors

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Continuation Sheet # 6

Authorization to send monthly bills

Confirmation of the Plan shall constitute authority for creditors, such as lien-holders on real property and lien-holders on vehicles, who receive monies as direct payments from Debtor(s) as a result of Debtor(s) election to pay such monies outside of the plan to send monthly statements as a convenience to the Debtor(s) and such statements shall not be considered a violation of the provisions of the automatic stay.

Certain Pre-Confirmation Disbursements

If a creditor is listed as secured and scheduled to receive pre-confirmation disbursements and post-confirmation payments along with the other secured creditors, but such creditor subsequently files an unsecured claim, then the creditor will not receive any pre-confirmation disbursements and upon confirmation will be paid along with the other unsecured creditors. The funds that were allocated to such creditor as a pre-confirmation disbursement will be distributed on a pro-rata basis to the other secured creditors. Similarly, the funds scheduled to be received by such creditor along with other secured creditors on a pro-rata basis.

Misfiled and Unfiled Creditors Paid Accordingly

If any secured proof of claim is timely filed for a debt that was either not listed or listed as unsecured, the claim shall be allowed as secured unless, it is objected to. Said claims shall be paid under the plan at 5.5% interest. Likewise, if any priority proof of claim is timely filed for a debt that was either not listed or listed as unsecured, the claim shall be allowed as priority unless it is objected to. Said priority claim shall not be paid with any interest.

Mortgage subject to modification

The mortgage for Bank of America 400 Countrywide Way Mail Stop SV-46 Simi Valley, CA 93065 listed in Debtor's plan is subject to a modification which Debtor is currently processing. As such, amounts are to be added to the end of his mortgage and are otherwise to be paid directly at such time pending loan modification is denied.

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Continuation Sheet # 7

Respectfully submitted this date: **6/2/2014**.

/s/ W. Matt Watson

W. Matt Watson
1123 E. Rio Grande
El Paso, Texas 79902
Phone: (915) 562-4357 / Fax: (866) 201-0967
(Attorney for Debtor)

/s/ Javier Holguin

Javier Holguin
3304 Rutherglen Street
El Paso, TX 79925
(Debtor)

**UNITED STATES BANKRUPTCY COURT
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CHAPTER **13**

Certificate of Service

I hereby certify that as of the date of filing the attached document, I have mailed/delivered a true and correct copy thereof to each party listed herein as well as all parties listed as receiving electronic mail notices as well as the Chapter 13 Trustee and U.S. Trustee .

Date: 6/2/2014

/s/ W. Matt Watson

W. Matt Watson

Attorney for the Debtor(s)

Absolute Collection Service
421 Fayetteville #600
Raleigh, NC 27601

Bank Of America, N.a.
400 Countrywide Way Mail Stop SV-46
Simi Valley, CA 93065

Cash Store
1830 Zaragoza Rd.
El Paso, TX 79936

American Express/Becket & Lee LLP
3499918324695973
PO BOX 3001
Malvern, PA 19355

Barclays Bank Delaware
5140218897098602
Attention: Bankruptcy
PO Box 8801
Wilmington, DE 19899

Cashcall Inc
7483432
Attention: Bankruptcy Department
1600 S Douglass Rd
Anaheim, CA 92806

American Express/Becket & Lee LLP
3499908561673193
PO BOX 3001
Malvern, PA 19355

Barrett Daffin Frappier Turner & Engel
15000 Surveyor Blvd. Suite 100
Addison, TX 75001

Chase
4266841124294545
201 N. Walnut St//de1-1027
Wilmington, DE 19801

American Infosource for Tmobile
PO BOX 248848
Oklahoma City, OK 73124

Bennett Law
10542 South Jordan Gateway, Ste. 200
South Jordan, Utah 84095

Chevron / Texaco Citibank
1121698235
Citi Corporation Credit Services/Attn: C
PO Box 20363
Kansas City, MO 64195

AT&T Mobility
One AT&T Way Room 3A104
Bedminster, NJ 07921

Capital One, N.a.
5178058031674529
Capital One Bank (USA) N.A.
PO Box 30285
Salt Lake City, UT 84130

Citibank
P.O. Box 6500
Sioux Falls, SD 57117-6500

Bank Of America, N.a.
234541207
400 Countrywide Way Mail Stop SV-46
Simi Valley, CA 93065

Cash Central
84 East 2400 North
N Logan, Utah 84341

Conn's
PO BOX 2358
Beaumont, TX 77704

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Certificate of Service

(Continuation Sheet #1)

Del Sol Medical Center
Patient Accts Dept
PO Box 639400
Irving, TX 75063

First Light Federal Credit Union
4701-2180-0001-2866
PO Box 24901
El Paso, TX 79914

Hsbc Bank
5268350059291539
ATTN: BANKRUPTCY
PO BOX 5213
Carol Stream, IL 60197

eCast Settlement Corp
PO BOX 29262
New York, NY 10087

Fst Premier
4610078478615677
3820 N Louise Ave
Sioux Falls, SD 57107

Intergrity TX Funding
3440 Preston Ridge Rd. Suite 500
Alpharetta, GA 30005

El Paso Primary Healthcare Physicians
11880 Vista Del Sol
El Paso, TX 79936-6128

G M A C/Ally
005488721700
PO Box 130424
Roseville, MN 55113

Javier Holguin
3304 Rutherglen Street
El Paso, TX 79925

El Paso Tax Assessor-Collector
221 North Kansas Suite 300
El Paso, Texas 79901

GE Capital Retail Bank
PO BOX 950061
Orlando, FL 32896

Jefferson Capital Systems LLC
PO BOX 7999
Saint Cloud, MN 56302

EZ Money Loan Services/EZCORP
2028 E. St. Elmo
Austin, TX 78744

Gecrb/walmart
6032203584592645
Po Box 981400
El Paso, TX 79998

Kohls/capone
050661244952
N56 W 17000 Ridgewood Dr
Menomonee Falls, WI 53051

Financial Corporation of America
12515 Research Blvd. Bldg. 2 Ste. 100
Austin, TX 78720

Gemb/JC Penny
6008895366637584
Attention: Bankruptcy
PO Box 103104
Roswell, GA 30076

Linebarger Goggan Blair & Sampson,
LLP
711 Navarro, Suite 300
San Antonio, TX 78205

Fireside Bank
5324065011010482
Attention: Bankruptcy
PO Box 9100
Pleasanton, CA 94566

Hilco Receivables/Equable Ascent
Financi
3618235
Attn: Bankruptcy
1120 Lake Cook Road Suite B
Buffalo Grove, IL 60089

Lowes / MBGA / GEMB
7981926440756752
Attention: Bankruptcy Department
PO Box 103104
Roswell, GA 30076

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WESTERN DISTRICT OF TEXAS
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Certificate of Service

(Continuation Sheet #2)

Lvg Spc Furn
5774421830213279
Cscl Dispute Tm-mac N8235-04m
Des Moines, IA 50306

Quantum3 Group/Target
4352376727642530
PO BOX 788
Kirkland, WA 98083

Wells Fargo Bank
4405345742140001
301 E 58th Street N
Sioux Falls, SD 57104

Metabnk/fhut
6276452006021163
6250 Ridgewood Roa
Saint Cloud, MN 56303

Speedy Cash SCIL Texas Inc
3527 N. Ridge Rd
Wichita, KS 67205

Western District of Texas Bankr Court
511 E. San Antonio Ave., 4th Floor
El Paso, TX 79901

Net Pay Advance
940 N. Tyler Rd #208
Wichita, KS 67212

Stuart C. Cox, Trustee
1760 North Lee Trevino
El Paso, TX 79936

Western Shamrock Corporation
WEP014305Z001
Attention: Bankruptcy
801 S Abe St.
San Angelo, TX 76903

One Click Cash
52946 Highway 12 Ste. 3
Niobrara, NE 68760

United Consumer Financial Services
865 Bassett Road
Westlake, OH 44145

World Finance Co
56504006401
15 E Main St
Lakeland, GA 31635

Payday One
PO Box 101842
Ft. Worth, TX 76185

University Of Phoenix
801034482
4615 E. Elwood St.
Phoenix, AZ 85040

Plain Green Loans
93 Mack Road, Suite 600
P.O. Box 255
Box Elder, MT 59521

Us Dept Of Education
700001974192599
Attn: Borrowers Service Dept
PO Box 5609
Greenville, TX 75403

Power Finance
9515 Gateway West
El Paso, TX 79925

Us Dept Of Education
700001974192499
Attn: Borrowers Service Dept
PO Box 5609
Greenville, TX 75403